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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,520	12/22/2000	Aman Gupta	GMES8081.045	4205

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EXAMINER
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LE, UYEN T

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 04/30/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/748,520

Applicant(s)

GUPTA ET AL.

Examiner

Uyen T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The affidavit filed on 31 December 2003 under 37 CFR 1.131 is sufficient to overcome the Christensen et al (US 2002/0156694) reference. Therefore, rejection of claims 1-35 using Christensen et al is withdrawn.
2. Note that affidavits or declarations submitted under 37 CFR 1.131 to swear behind a reference may constitute, among other things, an admission that an invention was "complete" more than 1 year before the filing of an application. See *In re Foster*, 342 F.2d 980, 987-88, 145 USPQ 166, 173 (CCPA 1965); *Dart Indus. v. E.I. duPont de Nemours & Co.*, 489 F.2d 1359, 1365, 179 USPQ 392, 396 (7th Cir. 1973). Also see MPEP § 715.10.
3. Applicant's amendment to claim 31 is acknowledged. Consequently, rejection of claim 31 under 35 U.S.C. 112, second paragraph is withdrawn.

***Claim Objections***

4. Claim 23 is objected to under 37 CFR 1.75 as being a duplicate of claim 2.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 1, 3-5, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Powell (US 4,648,023).

Regarding claim 1, Powell discloses a method for displaying real-time status of product availability (see the abstract). The claimed "automatically querying...otherwise" is met by the fact that the method of Christensen monitors the actual progress of the manufacture of a product (see column 2, lines 18-29). The claimed "for each product...available" reads on Figure 1. The claimed "displaying a listing...availability management" reads on Table 1.

Regarding claim 3, the claimed "displaying the number of days until the product is available for shipment" is met when Powell discloses that actual progress of the manufacturing of a product is monitored (see Figure 1).

Regarding claim 4, the claimed "creating a plurality...is available" is met when Powell shows Table 1.

Claim 5 merely reads on the fact that a product has the same date for baseline schedule date and estimated available date as shown in Table 1.

Claim 7 merely reads on the fact that the method of Powell monitors the actual progress of the product manufacture (see the abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6, 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US 4,648,023).

Regarding claim 2, Powell teaches the concept of summing total cost for manufacturing (see column 6, lines 34-48). Although Powell does not specifically show adding orders, sales revenues and displaying the number of orders and total revenue for each product category, it would have been obvious to one of ordinary skill in the art to include such features in order to manage revenues and cost for accounting purpose.

Regarding claim 6, although Powell does not specifically show a "call for availability" and "ready for immediate shipment", the method taught by Powell is clearly monitoring actual progress of manufacturing (see the abstract). Therefore, it would have been obvious to one of ordinary skill in the art to include displaying such messages in order to alert users of the status of each product manufactured.

Claim 23 merely recite the limitations of claims 1 and 2 combined, thus is rejected for the same reasons stated in claims 1 and 2 above.

Regarding claim 24, Powell discloses that the display categories include a product status (see Table 1).

Regarding claim 25, Powell discloses automatically querying in real time (see column 2, lines 3-15).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US 4,648,023), in view of Kehnemuyi et al of record (US 4,975,841).

Regarding claim 22, although Powell does not specifically show displaying to the customer when the product is available, it is well known in the art as shown by

Kehnemuyi to inform customers of order status (see the abstract). Therefore, it would have been obvious to one of ordinary skill in the art to include such features in order to keep customers up to date on their orders.

8. Claims 8-21, 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell (US 4,648,023), in view of Parad of record (US 5,369,570).

Claims 8, 16 essentially recite a computer program product and signal for claim 1 with the added limitations of using temporary tables to store the number of days, accessing and updating the temporary tables. Although Powell does not specifically show the use of temporary tables, it is well known in the art to use temporary tables for storing data during a continuous scheduling process as shown by Parad (see Figure 7, column 6, lines 20-22). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the computer program product of Powell in order to maintain continuous update as actual progress is being monitored.

Claim 9 is met when Powell shows Table 1, column "estimated available date".

Regarding claim 10, Powell teaches the concept of summing total cost for manufacturing (see column 6, lines 34-48). Although Powell does not specifically show adding orders, sales revenues and displaying the number of orders and total revenue for each product category, it would have been obvious to one of ordinary skill in the art to include such features in order to manage revenues and cost for accounting purpose.

Regarding claim 11, the claimed "creating a plurality...is available" is met when Powell shows Table 1.

Claim 12 merely reads on the fact that a product has the same date for base line schedule date and estimated available date as shown in Table 1.

Regarding claim 13, although Powell does not specifically show a "call for availability" and "ready for immediate shipment", the method taught by Powell is clearly monitoring actual progress of manufacturing (see the abstract). Therefore, it would have been obvious to one of ordinary skill in the art to include displaying such messages in order to alert users of the status of each product manufactured.

Regarding claim 14, Powell discloses the claimed plurality of categories in Table 1. Although Powell does not specifically show displaying a user-defined message for each order within the category, it would have been obvious to one of ordinary skill in the art to include such features in order to alert users if so desired.

Claim 15 is met by the fact that the system of Powell provides responses to real time inquiries regarding product manufacture (see column 2, lines 3-29).

Claim 17, 18, 21 recite the same limitations of claims 9, 12, 15, thus are rejected for the same reasons stated in claims 9, 12, 15 above.

Regarding claims 19, 20, since users' requirements vary, it would have been obvious to one of ordinary skill in the art to include the claimed intervals depending on users' application.

Claims 26, 30 correspond respectively to a method and system of claim 8, thus are rejected for the same reasons stated in claim 8 above.

Regarding claim 27, clearly the temporary tables are updated following a change since they store actual progress monitored continuously.

Regarding claim 28, although Powell does not specifically show automatically querying the database for orders, inventory and revenue, it would have been obvious to one of ordinary skill in the art to include such features for accounting purpose.

Regarding claim 29, although Powell does not specifically show that the regular time can be adjusted, it would have been obvious to one of ordinary skill in the art to include such feature in order to provide flexibility in monitoring the system.

Claim 31 merely recites a database for the limitations of claim 1, lines 7-9. Clearly the information has to be stored in the system of Powell for responding to inquiries.

Regarding claim 32, since the system of Powell is for product manufacture management, it would have been obvious to one of ordinary skill in the art to include the claimed categories of dates in order to present a clear picture of what is needed by when.

Regarding claim 33, the claimed "displaying the number of days until the product is available for shipment" is met when Powell discloses that actual progress of the product is monitored (Figure 1).

Regarding claim 34, Powell teaches an Intranet server for providing results to internal users when Powell shows the control computer 12 (see Figure 2).

Regarding claim 35, although Powell does not specifically show an Internet server for providing results to customers and potential customers, it would have been



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obvious to one of ordinary skill in the art to include such features in order to service customers over the Internet.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Martin et al (US 5,809,479) teach on-time delivery, tracking and reporting.

Kaneko et al (US 5,278,750) teach production schedule making method.

Livesay et al (US 6,339,764) teach paperless warehouse management system.

Arnold et al (US 5,936,860) teach object-oriented technology framework for warehouse control.

Oike (JP 402039261A) teaches updating system for production information on job network unitary control system.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 703-305-4134.

The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

27 April 2004



**UYEN LE**  
**PRIMARY EXAMINER**